

ENTERED

September 24, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JUSTIN PULLIAM,

Plaintiff.

V.

FORT BEND COUNTY, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:22-CV-04210

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On May 3, 2024, Plaintiff's Motion for Partial Summary Judgment (Dkt. 61) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B)–(C). Dkt. 75. Judge Edison filed a Memorandum and Recommendation on September 5, 2024, recommending the motion be **GRANTED IN PART** and **DENIED IN PART**. Dkt. 77.


On September 19, 2024, Defendants Fort Bend County (the "County") and Sheriff Eric Fagan ("Fagan") filed their Objections. Dkt. 79. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 77) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff's Motion for Partial Summary Judgment (Dkt. 61) is **GRANTED** as to Pulliam's free speech and equal protection violation claims against Fagan and Fort Bend County arising from the July 2021 press conference; and
- (3) Plaintiff's Motion for Partial Summary Judgment (Dkt. 61) is **DENIED** as to his First Amendment retaliation claims against the County and Sergeant Taylor Rollins; and
- (4) Detective Robert Hartfield is entitled to qualified immunity and **DISMISSED** from this lawsuit.

It is so **ORDERED**.

SIGNED at Houston, Texas on September 24, 2024.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE